

FILED

MAR 7 - 2013

N.J. BOARD OF NURSING

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR :	
REVOCATION OF THE LICENSE OF :	
:	
DARLENE L. EMILIO, L.P.N. :	ADMINISTRATIVE ACTION
License No. 26NP04492600 :	
:	
:	FINAL ORDER OF
:	DISCIPLINE
TO PRACTICE NURSING IN THE STATE :	
OF NEW JERSEY :	

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Darlene L. Emilio ("Respondent") is a licensed practical nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Upon receipt of a flagging notice advising that Respondent was arrested on June 25, 2012 by the Maple Shade Township Police Department for violation of N.J.S.A. 2C:34-1.1(b)(2) (Loiter for Purpose of Prostitution) the Board sent a letter of inquiry, requesting certain information and submission

of documents, to Respondent's address of record in Moorestown, New Jersey, via regular and certified mail on or about June 26, 2012. The regular mailing was not returned; the certified mailing was returned to the Board as "unclaimed - unable to forward."

3. Respondent did not respond to the Board's request for information.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2, -1.3, in violation of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Respondent's failure to provide the Board with a valid address constitutes a violation of N.J.A.C. 13:37-5.7.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending Respondent's license and imposing a two hundred dollar (\$200) civil penalty was entered on December 10, 2012 and a copy was forwarded to Respondent's last known address by means of both regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or

dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Although the certified mailing of the Provisional Order was returned as unclaimed, the regular mailing was not returned. Because the Order was forwarded to Respondent's address of record, the Board deems service to have been effected pursuant to N.J.A.C. 13:37-5.7. Moreover, Respondent telephoned counsel for the Board on December 17, 2012 and stated that she would provide a written response. However, no response was received. Respondent telephoned counsel for the Board again on January 28, 2013 and stated that she had not been available, but would try to submit a written response before January 31, 2013. The Board never received any written response from or on behalf of Respondent. The Board did receive, however, another flagging notice indicating that Respondent was again arrested on February 12, 2013 by members of the Mount Laurel Township Police Department and charged with violating N.J.S.A. 2C:35-10.5(e)(1) (Possession of Prescription Legend Drug or Stramonium Preparation).

With respect to the failure to cooperate and respond to the Board's inquiry of Respondent's June 2012 arrest for Loitering for Purposes of Prostitution, the Board determined that further proceedings were not necessary and that the Provisional Order should be made final. Respondent's more recent arrest did not form the basis for this disposition.

ACCORDINGLY, IT IS on this 7th day of March, 2013,
ORDERED that:

1. Respondent's license to practice nursing is hereby suspended until such time as Respondent cooperates fully with the Board's investigation by providing the Board with the information requested in the Board's letters of inquiry and a valid address of record.

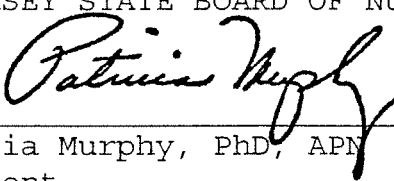
2. A civil penalty in the amount of two hundred dollars (\$200) is hereby imposed upon Respondent. Payment shall be made by certified check or money order, payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the entry of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Respondent shall refrain from practicing as a nurse and shall not represent herself as a Licensed Practical Nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

4. Nothing herein precludes the Board from taking action on the underlying conduct that was originally the subject of inquiry in this matter, or on any deficiency in continuing education which may be adduced if and when Respondent provides a reply, or on any information obtained concerning Respondent's more recent arrest.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Murphy, PhD, APN
President